



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Joseph Ellwanger
DOCKET NO.: 16-03460.001-I-1
PARCEL NO.: 11-23-401-021

The parties of record before the Property Tax Appeal Board are Joseph Ellwanger, the appellant, by attorney Ronald Kingsley, of Lake County Real Estate Tax Appeal, LLC in Lake Forest, and the Lake County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$16,627
IMPR.: \$51,221
TOTAL: \$67,848

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a single condominium office warehouse unit containing 2,052 square feet of building area¹ which was constructed in 1987. The property is located in the Viking Park development in Green Oaks, Libertyville Township, Lake County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on five comparable sales. The comparable condominium units were built in 1980 or 1999 and range in size from 1,962 to 2,966 square feet of building area.

¹ The appellant reported the subject condo unit contains 1,981 square feet of building area, but provided no evidence to support the size assertion. The board of review provided a copy of the subject's property record card depicting the size as 2,052 square feet of building area and reported that square footage was revised in 2016 after 27 condominium units in the subject's industrial park were sold in bankruptcy in 2014.

The comparable units sold between April and December 2015 for prices ranging from \$175,000 to \$255,000 or from \$76.69 to \$112.13 per square foot of building area.

Based on the foregoing evidence, the appellant requested application of the median sale price of \$85.00 per square foot to the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$67,848. The subject's assessment reflects a market value of \$204,608 or \$99.71 per square foot of building area, land included, when using the 2016 three year average median level of assessment for Lake County of 33.16% as determined by the Illinois Department of Revenue.

In response to the appellant's evidence, the board of review contends that appellants sale #1 was under foreclosure (Lis Pendens pending). The building size of comparable #3 should be 2,213 square feet resulting in a sale price of \$98.05 per square foot. Appellant's comparable #4, a larger unit, was marketed for sale for nearly two years. Appellant's sale #5 was a sale of two bank REO (Real Estate Owned) properties where the second unit of 2,376 square feet "is currently" being marketed for \$210,000 or \$88.38 per square foot.

Besides the foregoing evidence and criticisms, in support of its contention of the correct assessment, the board of review submitted information on three comparable sales of commercial condominium units that were built in 1994 where board of review comparable #3 is the same property as appellant's sale #3 with the corrected size of the unit. Board of review comparables #1 and #2 each have two units that sold in one transaction. The board of review reported these five individual units range in size from 1,579 to 3,011 square feet of building area; the comparable properties that sold range in size from 2,213 to 5,517 square feet of building area. The sales occurred between December 2015 and May 2016 for prices ranging from \$220,000 to \$590,000 or from \$98.05 to \$138.92 per square foot of building area.

Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The parties submitted a total of seven comparable sales to support their respective positions before the Property Tax Appeal Board. For purposes of this analysis, the Board will utilize the square footage data for the common comparable as reported by the board of review since it was supported by documentary evidence and not refuted by the appellant through any rebuttal filing.

The Board finds these seven comparables sold between April 2015 and May 2016 for prices ranging from \$175,000 to \$590,000 or from \$76.69 to \$138.92 per square foot of building area. The subject's assessment reflects a market value of \$204,608 or \$99.71 per square foot of building area, including land, which is within the range established by the comparable sales in this record and particularly well-supported by the common comparable presented by the parties which sold in December 2015 for \$98.05 per square foot of building area, including land. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman





Member

Member





Member

Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: November 19, 2019



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

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